UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1992/SR.35
2 September 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 27 August 1992, at 3 p.m.

Chairman: Mr. ALFONSO MARTINEZ

CONTENTS

Consideration of draft resolutions and decisions (continued)

Organization of work (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-13878/4849B (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS (continued)

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (agenda item 6) (continued)

Draft decision E/CN.4/Sub.2/1992/L.47 (continued)

1. Mr. AL-DOURI (Observer for Iraq) thanked the Sub-Commission for its expression of concern at the immense difficulties that the Iraqi people were facing as a result of the economic embargo. Members had shown that they were aware of their historic and humanitarian responsibilities. The suffering of the Iraqi people deserved much more than a decision; a resolution would have been preferable, but his delegation was still grateful. It was to be hoped that the decision would be taken into account by all States, and especially those that were still hampering the importation of food, medicine and other basic needs since that would alleviate in some small measure the suffering of the Iraqi people.

Draft resolution E/CN.4/Sub.2/1992/L.42 (continued)

2. Mr. EIDE noted that every effort had been made to check the information in the draft resolution.

3. He announced that paragraph 1 should be replaced by the following text: "Deplores the tragic events in Dili on 12 November 1991, where East Timorese civilians, including women and children, were killed".

4. Concerning preambular paragraph 8, he noted that on 18 November 1991, a National Commission of Inquiry had been set up and on 26 December 1991, an advance report had been issued. A final report was said to have been submitted to President Suharto on 14 April 1992, but had not been publicized. The advance report had clearly failed to identify the security personnel responsible for the excessive shooting, which had been termed a "spontaneous reaction", and it had blamed instead the "aggressive attitude assumed by the crowd". The final report seemed to confirm that finding and thus did not constitute as requested in the statement agreed by consensus at the Commission on Human Rights, a further investigation into the action of the security personnel on 12 November 1991. At stake was the question of impunity.

5. Turning to preambular paragraph 12, he pointed out that access to East Timor had been requested by the Sub-Commission in previous resolutions and in the statement by the Chairman of the Commission on Human Rights. Indonesia had agreed to facilitate visits to East Timor for additional humanitarian and human rights organizations, but Amnesty International, the International Federation of Human Rights and other non-governmental organizations, as well as individuals, continued to be denied access. It would appear that authorization was only granted to those select organizations invited by the Government, but even the Christian Conference of Asia and the

World Council of Churches, which had been invited, had stated that their delegations had had the impression that their movements had been monitored closely by the security personnel and had noted what appeared to be a high level of tension and fear in the community. In the case of the International Commission of Jurists, which had been allowed to send observers to the trials of East Timorese students in Djakarta, there had been a much more restrictive policy towards presence at the trials in Dili, and one of its observers had even been denied a visa.

6. Paragraph 5 also addressed the question of impunity. In its statement, the Commission on Human Rights had welcomed the advance report of the National Commission of Inquiry, but recognizing that the findings were insufficient, it had requested a further investigation, which the Indonesian authorities had then failed to conduct. Even those security personnel whose actions had been investigated had only been accused of misconduct and had been found guilty of subordination, according to the statement before the Sub-Commission of the Indonesian delegation. The charge of disobedience was patently absurd and contrary to the findings of the advance report of the National Commission of Inquiry, which had described actions that should be qualified as homicide: the report had spoken of a spontaneous reaction having taken place among the security personnel, resulting in the excessive shooting at the demonstrators, causing deaths and wounded. Those responsible for the deaths and woundings had not been identified or brought to trial.

7. In view of the seriousness of the events, the replies of the Indonesian Government had been unsatisfactory.

8. Mr. JOINET said that despite some progress in the situation under consideration, the draft resolution was still justified. He noted the tragic events in Dili, the failure of the Portuguese parliamentary delegation and, more generally, the absence of a spirit of openness on the part of Indonesia towards foreign observers. The objection that other bodies were already addressing the matter and that the Sub-Commission therefore should not pursue it was not valid, inasmuch as there had not been a resolution on the subject by a higher body for several years. As the Sub-Commission's expectations had not been met, he called for a vote by secret ballot on the draft resolution.

9. Mrs. ATTAH endorsed the request for a vote by secret ballot.

10. Mr. RAHARDJO (Observer for Indonesia) said that his delegation deeply regretted that the draft resolution continued to centre on the Dili incident of 12 November 1991, despite the serious and comprehensive efforts of his Government to follow up on the findings of the National Commission of Inquiry, the conclusions of the Military Honorary Council and the statement by the Chairman of the Commission on Human Rights. Indonesia's actions to redress the human rights situation in the province had been welcomed in many quarters. The draft resolution did not reflect the current situation in the province which, nine months after the incident, had greatly improved. It would be conducive to further improvements in that regard if the Sub-Commission adopted a healthy attitude.

11. The draft resolution seemed to be less an expression of genuine concern for human rights than a means of scoring political points. In fact, a certain country had sought to use the draft resolution to achieve what it had failed to obtain through the statement by the Chairman of the Commission, at the expense of unravelling an agreed package, a procedure to which Indonesia was strongly opposed.

12. While his delegation valued highly the visit to Indonesia of Mr. Kooijmans, Special Rapporteur on the question of torture, and his useful report and recommendations, it disagreed with parts of the report and some of the recommendations contained therein.

13. The decision to send the Personal Envoy of the Secretary-General, Mr. Wako, had been taken jointly by the Secretary-General and his Government on the basis of agreed terms of reference, and any effort to alter the mandate of the Personal Envoy ex post facto was inappropriate. It would also be procedurally incorrect for the Sub-Commission to interfere with the work of the Commission on Human Rights without a specific request from it to do so.

14. Concerning the sentences of those involved in the incident, the clarifications given earlier by his delegation were considered sufficient. He wished to stress that the activities of those who had been sentenced had been by no means peaceful. The trial proceedings of those involved had proved that the demonstration had not been a spontaneous act, but had been premeditated. It was therefore rather surprising to hear the view expressed that the investigation into the actions of the military personnel during the incident had not been followed through. Information on the conclusions of the investigations conducted by the Military Honorary Council and the results of the trials of the military personnel involved had been communicated to the United Nations authorities concerned, both in Geneva and New York. Thus, there was no question of impunity.

15. The allegations of continuing widespread human rights violations in East Timor were for the most part unsubstantiated. On the contrary, his Government had shown its cooperative attitude by replying regularly to all communications received from the relevant United Nations monitoring mechanisms. Indonesia had always collaborated with the Working Group on Enforced or Involuntary Disappearances by providing the information requested, and together with the village leaders and local teachers it would continue to cooperate with the families of the victims in trying to find those missing. The local authorities were doing their utmost to investigate those cases.

16. It was worth mentioning that the representatives of the International Commission of Jurists, foreign journalists and diplomats had been allowed to attend the trials in connection with the Dili incident as observers. Foreign dignitaries had visited the province, and humanitarian organizations, including the International Committee of the Red Cross, had been operating there continuously since 1979.

17. Indonesia had always honoured its international commitments in good faith. The statement by the Chairman of the Commission on Human Rights constituted an agreed package, and all parties must honour the consensus and not pick and choose.

18. The grossly unbalanced and one-sided draft resolution, far from helping to solve the real problems and improve the actual human rights situation in the province, would in fact undermine the constructive dialogue that had characterized the consenus statements by the Chairman of the Commission and the Chairman of the Sub-Commission. Such an approach was unlikely to create an environment conducive to improving the human rights situation in East Timor.

19. In view of the above, his delegation had no choice but to reject the draft resolution as contained in E/CN.4/Sub.2/1992/L.42. It therefore requested the members of the Sub-Commission to exercise their collective wisdom to that effect.

20. A vote was taken by secret ballot.

21. At the invitation of the Chairman, Mrs. Warzazi and Mr. Eide acted as tellers.

22. Draft resolution E/CN.4/Sub.2/1992/L.42 was adopted by 13 votes to 6, with 4 abstensions.

The administration of justice and the human rights of detainees (agenda item 10) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.2

23. Mr. GUISSE said that in order to dispel the impression that the draft resolution applied only to criminal proceedings, he would like to propose a new fourth preambular paragraph which would include a specific reference to civil cases: "Recalling lastly that the right to a fair trial applies both to civil proceedings and to criminal proceedings". The former fourth preambular paragraph would then become the new fifth preambular paragraph. He hoped that the draft resolution as amended, could be adopted without a vote.

24. Mrs. DAES asked to join the sponsors.

25. Mrs. KSENTINI inquired when the final report would be concluded.

26. Mr. CHERNICHENKO said that the final report would be concluded in 1994.

27. Mrs. KSENTINI explained that she always inquired about the work schedule for a study. It was useful to include in a draft resolution a reference to the time when the study would be completed. If the final report was to be submitted in 1994, then the word "fifth" in the second line of operative paragraph 4 should be taken to mean "final".

28. The CHAIRMAN confirmed that the fifth report would be the final report.

29. Mr. CISSE (Centre for Human Rights) said that if the Commission on Human Rights and the Economic and Social Council approved the draft decision recommended to them for adoption, the cost estimate would be US$ 7,200

for 1992 and 1993, already covered by the programme budget, and US$ 7,600 for 1994, account of which would be taken when the proposed programme budget was prepared.

30. Draft resolution E/CN.4/Sub.2/1992/L.2 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.24

31. Mr. GUISSE noted that the draft resolution had been almost unanimously supported and hoped that it would be adopted without a vote.

32. Mrs. DAES and Mrs. ATTAH thanked the Special Rapporteur, Mr. Despouy, for his work and requested that their names be added to the list of sponsors.

33. Mr. CISSE (Centre for Human Rights) informed the Sub-Commission that if the Commission on Human Rights and the Economic and Social Council approved the expenditure required under operative paragraphs 7 and 10 of the draft resolution, the total cost for 1992-1993 would be US$ 40,175, already included in the programme budget.

34. draft resolution E/CN.4/Sub.2/1992/L.24 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.28

35. Mr. DESPOUY, speaking on behalf of all the sponsors, proposed the insertion of an additional paragraph before operative paragraph 4 reading: "Invites Governments, competent United Nations organs, specialized agencies, intergovernmental regional bodies and non-governmental organizations to submit information on the study". Because of lack of time, it had not been possible to include in the text some of the ideas put forward by his colleagues.

36. Mrs. KSENTINI said that she supported the study referred to in the draft resolution but she wanted it to be broad enough to cover all aspects of impunity. Accordingly, she proposed that in the first preambular paragraph the words "the International Covenant on Economic, Social and Cultural Rights and other relevant human rights conventions" be included after the words "the International Covenant on Civil and Political Rights". Also, a final preambular paragraph should be added, reading: "Taking note of the contributions submitted and comments made at the forty-fourth session of the Sub-Commission". Finally, the question of impunity should not be dealt with under the agenda item entitled "The administration of justice and the human rights of detainees" (item 10) but the item entitled "Review of further developments in fields with which the Sub-Commisssion has been concerned" (item 4).

37. Mrs. WARZAZI noted that the importance of the study had been such that two Special Rapporteurs had been needed, a practice of which she did not approve. She asked how they would divide the work between them.

38. Mr. GUISSE explained that the two Special Rapporteurs would make a joint intellectual effort and work on the same document together. The proposal to consider it under agenda item 10 had been made because of its connection with the denial of justice.

39. Mr. JOINET recalled that the first working paper had been prepared by himself alone. There had then been a discussion on the past, particularly in Africa, and he had requested Mr. Guissé to assist him. A similar situation had risen with regard to the study on freedom of opinion. However, he agreed with Mrs. Warzazi that the practice of having two special rapporteurs should not become standardized.

40. Mr. TIAN Jin supported Mrs. Ksentini's amendment to the first preambular paragraph.

41. Mr. SACHAR said that he wished to be included in the list of sponsors.

42. Mrs. KSENTINI said that if the sponsors accepted her amendments, she would wish to join them.

43. The CHAIRMAN said that, if there was no objection, he would take it that the sponsors agreed to the three amendments proposed.

44. It was so decided.

45. Mr. CISSE (Centre for Human Rights) said that if the new mandate were approved by the Commission on Human Rights and the Economic and Social Council, the total cost estimate for 1993 would be US$ 23,475.

46. Draft resolution E/CN.4/Sub.2/1992/L.28, as amended, was adopted without a vote.

47. Mr. DESPOUY requested that next year the Special Rapporteurs should explain the precise scope of what was understood by "impunity".

Draft resolution E/CN.4/Sub.2/1992/L.36

48. Mrs. DAES, introducing the draft resolution on behalf of the 14 co-sponsors, said that every year approximately 100 staff members of the United Nations, the specialized agencies and related organizations were arrested, detained, reported missing, held in a country against their will, killed or even executed. Some were kidnapped or murdered by "unknown elements" while others died or disappeared in detention, with no explanation being offered by the Governments concerned. Those incidents occurred primarily in the troubled areas of the world where the United Nations system operated. As the Organization continued to expand its operations into new conflict areas such as Angola, Cambodia, Somalia and Yugoslavia, it would have to ensure the security of even more staff. Many risked their lives to carry out their work. Some had paid the ultimate price and the number of casualties had risen dramatically since the beginning of the year. The rehabilitation of staff members who had spent many years in prison and suffered cruel and degrading treatment also posed problems to the United Nations and its specialized agencies.

49. The final report (E/CN.4/Sub.2/1992/19) prepared by Mrs. Bautista offered useful recommendations in relation to information on cases of violations of human rights, possible action to be taken, compensation, rehabilitation,

security on mission and follow-up action. The draft resolution expressed the appreciation of the Sub-Commission to the Special Rapporteur for the work she had done.

50. It should be borne in mind that if the United Nations was to fulfil its mandate properly, it was indispensable that international civil servants as well as experts, special rapporteurs and other persons acting under the authority of the United Nations be able to accomplish the task entrusted to them without interference and in conditions of security.

51. The co-sponsors had accepted some simple amendments. In the second line of the first preambular paragraph the words "including experts, special rapporteurs and consultants" should be inserted after the words "other persons". In the third line of the same paragraph the word "system" should be added after the words "United Nations". In the second line of the fourth preambular paragraph the words "and the above-mentioned other persons" should be added after the words "staff members". In the fifth line of operative paragraph 3 the words "the United Nations" should be replaced by the words "the competent organs of the United Nations system". In the second line of operative paragraph 5 the words "or the above-mentioned other persons and their families" should be inserted after the words "the United Nations system". In the first line of operative paragraph 8 the words "Calls upon" should be replaced by the words "Recommends to". Finally, in line 6 of operative paragraph 3 in the draft resolution recommended for adoption by the Commission on Human Rights, the words "specialists and consultants" should be added after the word "experts".

52. She hoped that, in view of its importance, the draft resolution would be adopted by consensus.

53. Mrs. ATTAH said that she wished to be added to the list of sponsors. She hoped that incidents of disappearances, imprisonment and hardship endured by staff members would be reduced. The Sub-Commission should appeal to the Governments concerned to release imprisoned staff members.

54. Mr. BOUTKEVITCH and Mr. JOINET said that they wished to become sponsors of the draft resolution.

55. Mr. GUISSE endorsed Mrs. Daes' comments and expressed his strong support for the protection of the families of staff members. He proposed that the words "and appeals to the Governments of countries where staff members of the United Nations and assimilated persons are being detained to release them immediately" be added at the end of operative paragraph 1. If that amendment was accepted, he wished to become a sponsor.

56. Mrs. PALLEY said that she, too, wished to be added to the list of sponsors. She wondered whether the Chairman could not declare that the draft resolution was sponsored by all members of the Sub-Commission.

57. The CHAIRMAN replied that such a course would probably be incorrect under the rules of procedure. Any member who wanted to become a sponsor should indicate his or her intention of doing so.

58. Mrs. DAES said that the sponsors could accept the amendment proposed by Mr. Guissé.

59. Draft resolution E/CN.4/Sub.2/1992/L.36, as amended, was adopted without a vote.

Draft decision E/CN.4/Sub.2/1992/L.38

60. Mrs. KSENTINI asked how it would be possible for Mrs. Palley to prepare a preliminary report without financial implications, as requested in the draft decision.

61. The CHAIRMAN said that the term rapport préliminaire in the French version was obviously a mistranslation of the term "outline" in the English original.

62. Mr. JOINET said that, under the terms of Guideline No. 2 contained in draft resolution E/CN.4/Sub.2/1992/L.15, adopted the previous day, the document in question should in fact be entitled a "preparatory document". Now that those Guidelines had been adopted, it was important to use the terminology established therein.

63. The CHAIRMAN pointed out that draft decision E/CN.4/Sub.2/1992/L.38 had been drafted some considerable time before the adoption of draft resolution E/CN.4/Sub.2/1992/L.15.

64. Mr. GUISSE said that the sponsors would be willing to substitute the term "preparatory document" for "outline".

65. Mr. CISSE (Centre for Human Rights) confirmed that the draft decision had no administrative or financial implications.

66. Draft decision E/CN.4/Sub.2/1992/L.38 was adopted without a vote.

Draft resolution on the application of international standards concerning the human rights of detained juveniles

67. At the invitation of the Chairman, Mrs. WARZAZI read out the text of a draft resolution on the application of international standards concerning the human rights of detained juveniles, which, if adopted, would subsequently be issued as Sub-Commission resolution 1992/25.

68. Mr. DESPOUY, Mrs. KSENTINI and Mr. SACHAR asked to become sponsors of the draft resolution.

69. The CHAIRMAN drew the experts' attention to the administrative and financial implications of the draft resolution.

70. Draft resolution 1992/25, as orally presented by Mrs. Warzazi and amended by Mrs. Ksentini, was adopted without a vote.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (agenda item 11) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.39

71. Mr. SACHAR asked to become a sponsor of the draft resolution.

72. Mr. DESPOUY stated his readiness to provide any necessary clarifications. He hoped that, on the assumption that there were no financial implications, the text could be adopted by consensus.

73. The CHAIRMAN, speaking in his capacity as a member of the Sub-Commission, drew attention to the final sentence of operative paragraph 2 (a) of the draft resolution, also reproduced as operative paragraph 4 (a) of the text to be proposed to the Commission on Human Rights for adoption. Were the "contradictory procedures" referred to therein domestic procedures within individual countries? Or did the draft resolution envisage the introduction of some new special procedure within the United Nations system, along the lines of the procedure currently used by the Working Group on Arbitrary Detention?

74. Mr. JOINET said that the two recommendations set forth as options 1 and 2 in document E/CN.4/Sub.2/1992/25/Add.1 were alternatives, not cumulative options. The Sub-Commission must express a preference for one or the other option in its recommendation to the Commission on Human Rights. The text thus made no sense as currently drafted.

75. Mr. DESPOUY, in response to the Chairman's question, said that neither domestic procedures nor the possibility of establishing special procedures within the United Nations system were referred to. The reference was to the possibility of the Special Rapporteur taking account of information from both non-governmental and governmental sources, so as to offer Governments a chance of rebutting the allegations made.

76. The CHAIRMAN said that he understood from Mr. Despouy's comments that the Special Rapporteur would himself establish the contradictory procedures referred to, in the context of his reports.

77. Mrs. KSENTINI was also unclear as to the exact nature of the contradictory procedures proposed. Furthermore, she wished to know the precise meaning of the expression "in carrying out his task, he will take initiatives ...", which occurred in the same two paragraphs.

78. Mr. YIMER, speaking on a point of order, proposed that the Sub-Commission should proceed with the adoption of those draft resolutions which were not controversial and leave it to the co-sponsors of draft resolutions on which there was no agreement to settle the matter. Otherwise, the Sub-Commission would not have sufficient time to finish its work.

79. Mr. JOINET said that the answers to the questions which had been raised were to be found in document E/CN.4/Sub.2/1992/25/Add.1; with that document at hand, the co-sponsors should be able to work out an acceptable text.

80. The CHAIRMAN ruled that the Sub-Commission would proceed to consider the draft resolutions under item 8 and revert to draft resolution E/CN.4/Sub.2/1992/L.39 later.

The realization of economic, social and cultural rights (agenda item 8) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.22

81. Mr. CISSE (Centre for Human Rights) said that the total cost of the activities under paragraphs 3 and 4 of the draft resolution would be $20,475.

82. Draft resolution E/CN.4/Sub.2/1992/L.22 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.27

83. Mr. CISSE (Centre for Human Rights) said that, if the Commission and the Economic and Social Council should approve the proposals contained in the draft resolution, the total cost estimates would be $38,450.

84. Mrs. ATTAH requested that her name should be added to the list of sponsors.

85. Draft resolution E/CN.4/Sub.2/1992/L.27 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.40

86. Mr. CISSE (Centre for Human Rights) said that if the Commission on Human Rights should approve the activities under paragraphs 2 and 6 of the draft resolution, the cost estimates would be $26,450.

87. Mr. GUISSE and Mrs. ATTAH asked to become co-sponsors.

88. Draft resolution E/CN.4/Sub.2/1992/L.40 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.48

89. Mr. BOUTKEVITCH, Mr. GUISSE, Mrs. ATTAH and Mrs. WARZAZI requested that their names should be added to the list of sponsors.

90. Draft resolution E/CN.4/Sub.2/1992/L.48 was adopted without a vote.

Review of further developments in fields with which the Sub-Commission has been concerned (agenda item 4) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.8

91. Mrs. KSENTINI asked to become a co-sponsor.

92. Mr. SACHAR said that in operative paragraph 4 of the draft resolution he would propose that the phrase following the words "while reaffirming that development ..." be replaced by "and democracy are not antithetical but rather complementary". His proposed wording would correspond more closely to the original French text of the document of the Dakar Conference.

93. Mr. YIMER said that, as the Dakar document was being cited, it should be correctly translated as Mr. Sachar had suggested.

94. Mrs. KSENTINI said that operative paragraph 7 should start with the words "Also notes".

95. The CHAIRMAN said that, if there was no objection, he would take it that those proposals were acceptable to the Sub-Commission.

96. It was so decided.

97. Draft resolution E/CN.4/Sub.2/1992/L.8 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.17

98. Mrs. DAES asked to become a co-sponsor.

99. Mr. CISSE (Centre for Human Rights) said that if the Commission on Human Rights approved the proposals contained in operative paragraphs 2 and 5 of the draft resolution, the cost estimates would be $19,100.

100. Draft resolution E/CN.4/Sub.2/1992/L.17 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.25

101. Mr. CISSE (Centre for Human Rights) said that the cost estimates under operative paragraph 3 of the draft resolution would be $19,500.

102. Mrs. DAES asked to become a co-sponsor.

103. Draft resolution E/CN.4/Sub.2/1992/L.25 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.31

104. Mrs. KSENTINI said that in principle the Sub-Commission should have received a final report during the current year and inquired how much longer would be required.

105. Mr. DESPOUY said that a further year would be required to complete the final report. The work already done had been excellent and it would be well worth waiting.

106. Mr. CISSE (Centre for Human Rights) said that the financial implications of the draft resolution in 1992-1993 would be $19,400.

107. Mrs. KSENTINI said that she had only wished to refer to the discussion on draft resolution E/CN.4/Sub.2/1992/L.15 when it had been pointed out that studies should take three years on average.

108. Draft resolution E/CN.4/Sub.2/1992/L.31 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.45

109. Mrs. PALLEY said that some amendments would be submitted to the draft resolution but she had not yet had time to consult her co-sponsors. It would therefore be inappropriate for the moment to ask for co-sponsors.

110. Mr. YIMER, speaking on a point of order, again proposed that the Sub-Commission should take up only uncontroversial draft resolutions and that accordingly consideration of draft resolution E/CN.4/Sub.2/1992/L.45 should be left pending.

111. It was so decided.

Draft resolution E/CN.4/Sub.2/1992/L.46

112. Mr. DESPUOY proposed to replace the last phrase of the draft resolution following the word "decides" by "to authorize Mr. Chernichenko to submit to the Sub-Commission a more detailed working paper on the subject which, inter alia, would contain general provisions which could be included in an appropriate declaration and to consider the matter at its forty-fifth session under item 4 of its agenda".

113. Mrs. DAES said that she wished to co-sponsor the amendment.

114. The CHAIRMAN said that the Secretariat had drawn his attention to the omission of the words "of human rights" after "violations" both in the title of the draft resolution and in the text itself.

115. Draft resolution E/CN.4/Sub.2/1992/L.46, as amended, was adopted without a vote.

Discrimination against indigenous peoples (agenda item 15) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.32

116. Mr. CISSE (Centre for Human Rights) said that the cost estimates for the activities foreseen under the draft resolution were $60,200.

117. Mrs. WARZAZI, Mr. SACHAR, Mr. BOUTKEVITCH, Mrs. KSENTINI and Mr. DESPOUY asked to become co-sponsors of the draft resolution.

118. Draft resolution E/CN.4/Sub.2/1992/L.32 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.33

119. Mr. SACHAR, Mr. BOUTKEVITCH, Mr. TIAN Jin, Mr. DESPOUY, Mr. KHALIFA, Mrs. WARZAZI, Mr. GUISSE and Mrs. KSENTINI asked to become co-sponsors of the draft resolution.

120. Mr. CISSE (Centre for Human Rights) said that the cost estimates for the draft resolution would be $3,000.

121. Draft resolution E/CN.4/Sub.2/1992/L.33 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.34

122. Mrs. ATTAH recommended that members of the Sub-Commission should pay particular attention to operative paragraph 4 which proposed to change the title of the study.

123. Mr. DESPOUY, Mr. KHALIL, Mr. GUISSE, Mrs. KSENTINI, Mrs. WARZAZI, Mr. SACHAR, Mr. TIAN Jin and Mr. BOUTKEVITCH asked to become co-sponsors.

124. Mr. CISSE (Centre for Human Rights) said that the financial implications relating to the draft resolution would be $2,900 in 1993.

125. Draft resolution E/CN.4/Sub.2/1992/L.34 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.35

126. Mr. DESPOUY, Mr. BOUTKEVITCH, Mrs. FORERO UCROS, Mrs. KSENTINI, Mr. KHALIL, Mrs. WARZAZI, Mr. YIMER, Mr. TIAN Jin, Mr. SACHAR, Mr. GUISSE and Mr. AL-KHASAWNEH asked to become co-sponsors.

127. Mr. CISSE (Centre for Human Rights) said that the cost estimates of the draft resolution would be $36,300.

128. Draft resolution E/CN.4/Sub.2/1992/L.35 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1992/L.43

129. Mrs. ATTAH and Ms. CHAVEZ said that they wished to become co-sponsors.

130. Draft resolution E/CN.4/Sub.2/1992/L.43 was adopted without a vote.

131. Mrs. DAES said that she wished to express her deep gratitude to all the members of the Sub-Commission and the Working Group for their support for the draft resolutions on the problems of indigenous peoples.

Protection of minorities (agenda item 18) (continued)

Draft resolution E/CN.4/Sub.2/1992/L.30

132. Ms. CHAVEZ, Mr. SACHAR, Mr. BOUTKEVITCH, Mrs. DAES and Mr. GUISSE asked to become co-sponsors.

133. Mr. CISSE (Centre for Human Rights) said that the cost estimates for the activities foreseen under the draft resolution would be $24,000 for 1993.

134. Draft resolution E/CN.4/Sub.2/1992/L.30 was adopted without a vote.

135. The CHAIRMAN said that the Sub-Commission had completed its consideration of all the draft resolutions before it except draft resolutions E/CN.4/Sub.2/1992/L.39 and L.45 which had been held over pending consultations.

ORGANIZATION OF WORK (continued)

136. The CHAIRMAN said that he wished to submit for the consideration of the Sub-Commission proposals by the various regional groups for the composition of the working groups which would precede the 1993 session.

137. The following persons had been proposed for the Working Group on Communications: Asia: Mr. Tian Jin; Africa: Mr. Guissé (Member); Mr. Yimer (Alternate); Latin America: Mrs. Forero Ucros (Member); Mr. Despouy (Alternate); West Europe and other States: Mrs. Palley; Eastern Europe: Mr. Ramishvili

138. The proposals by the various regional groups for the composition of the Working Group on Communications were adopted.

139. The CHAIRMAN said the following persons had been proposed for the Working Group on Indigenous Peoples: Asia: Mr. Hatano; Africa: Mrs. Attah (Member); Mr. Khalil (Alternate); Latin America: Mr. Alfonso Martínez (Member); Mr. Saboia (Alternate); Western European and other States: Mrs. Daes; Eastern European States: Mr. Boutkevitch.

140. The proposals by the various regional groups for the composition of the Working Group on Indigenous Peoples were adopted.

141. The CHAIRMAN said that the following persons had been proposed for the Working Group on Contemporary Forms of Slavery: Asia: Mr. Hakim; Africa: Mrs. Ksentini (Member); Mr. Ramadhane (Alternate); Latin America: Ms. Goncalves (Member); Ms. Ferriol (Alternate); Western European and other States: Ms. Chavez; Eastern European States: Mr. Maxim.

142. The proposals by the different regional groups for the composition of the Working Group on Contemporary Forms of Slavery were adopted.

143. The CHAIRMAN said that it was understood that when a member appointed as a member or alternate could not attend the session, the Chairman of the Sub-Commission would undertake the necessary consultations with the regional group concerned with a view to designating another member of the group.

144. Mrs. KSENTINI, referring to her remarks on the previous day at the 33rd meeting concerning what she had considered to be the unsatisfactory reply from the Permanent Mission of Switzerland with regard to the border incident on 13 August, said that another letter, amending the first one, had been sent by the head of the Permanent Mission of Switzerland. The latest letter, which had drawn upon the complete results of the investigation conducted by the headquarters of the Swiss customs service, was entirely satisfactory.

145. The CHAIRMAN asked the Secretariat whether the official United Nations travel certificates would be ready, as promised, the next day at 3 p.m.

146. Mr. CISSE (Centre for Human Rights) said that the travel documents were being processed and would be available for members and for those alternates who had requested them in the course of the afternoon of the following day.

The meeting rose at 6.05 p.m.